

## **AMENDMENTS TO THE CLAIMS:**

The following is a complete listing of the pending claims.

1-15. (Cancelled)

16. (Currently amended) A method of preparing a generating soybean seed mix, wherein all the seed of the mix have a proprietary trait and a fraction of the seed is heterozygous or homozygous for seed coat color ~~of cultivars containing proprietary traits~~, the method comprising:

- i) planting homozygote black seed coat soybean plants having genotype RRiiTT in separate, alternate rows in the same field as cultivars that ~~contain the~~ have a proprietary trait traits and that are not homozygote black seed coat soybean plants;
- ii) harvesting grain from the rows planted with the cultivars that contain the proprietary trait traits and that are not homozygote black seed coat soybean plants; and
- iii) replanting the grain in separate, alternate rows in the same field as homozygote black seed coat soybean plants having genotype RRiiTT and harvesting the grain over at least one additional generation; wherein only the rows planted with the grain are harvested;

wherein the grain obtained from step iii constitutes a soybean seed mix.

17. (Currently amended) The method of claim 16 ~~wherein the black seed coat seeds are used to create a mechanical mix of seeds~~ further comprising:

- [[i]] iv) separating the black seed coat seeds from the harvested grain of step iii);
- [[ii]] v) propagating the black seed coat seeds through at least one generation of self-pollination; and
- [[iii]] vi) mixing a known quantity of the propagated black seed coat seed with seed of a commercial cultivar having the proprietary trait the yellow seed coat variety.

18. (Original) The method of claim 17, further comprising growing the mixture containing a known quantity of black seed coat seeds with the commercial cultivar seeds in the last season of seed increase prior to commercial sale.

19-40. (Cancelled)

41. (New) The method of claim 16, wherein the proprietary trait is herbicide resistance.

42. (New) The method of claim 41, wherein the proprietary trait is glyphosate resistance.

43. (New) The method of claim 41, wherein cross-pollination of the cultivar having the proprietary trait by the black seed coat soybean plants is promoted by treating the rows of said cultivar with a herbicide.

44. (New) The method of claim 43, wherein the herbicide is glyphosate.

45. (New) The method of claim 16, wherein the proprietary trait is a genetically modified trait.

46. (New) The method of claim 16, wherein with step i) the coat color of seeds from the cultivar having a proprietary trait is yellow.

47. (New) The method of claim 17, wherein the coat color of the commercial cultivar seeds is yellow.

48. (New) The method of claim 17, wherein the seed mix obtained from step vi comprises between about 0.1% to about 10% by weight black seed coat seed.

49. (New) The method of claim 48, wherein the seed mix obtained from step vi comprises between about 0.5% to about 4% by weight black seed coat seed.